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EXAMINER

NGUYEN, HUY THANH

ART UNIT

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-2, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 20030012558 A1) in view of Tanaha (US 20010029500 A1).

Regarding claims 1 and 7, Kim discloses a recording and/or reproducing apparatus (Fig. 1) which reproduces audio and/or video (AV) data read from a storage medium in an interactive mode (sections 0048 -0050), the apparatus comprising: an ENAV buffer (cache memory 3) in which is loaded an ENAV file; and an ENAV engine which interprets and reproduces the buffered ENAV file to be reproduced with the AV data in the interactive mode (sections 0009-0013, 0019-0021),

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wherein the ENAV engine allocates the ENAV buffer for markup data, reads the ENAV file, and loads the ENAV file in of the ENAV buffer (section 0042-0045).

Kim fails to specifically teach that the ENAN engine allocates an area as a markup area for storing the data.

Tanaka teaches a system having a control means for allocating an area of a memory as a markup area for storing data (Fig. 2, section 0032).

It would have been obvious to one of ordinary skill in the art to modify Kim with Tanaka by providing Kim with a control means as taught by Tanaka for allocating an area of the buffer of Kim for a markup area for storing the data therefore effectively using the buffer for storing the data.

Further for claim 7, Kim as modified with Tanaka teaches an internet service (Tanaka, section 0031, section 0032, and lines 1- 10).

. Regarding claims 2 and 8, Kim teaches the recording and/or reproducing apparatus of claim 1, further comprising:

an AV buffer (2) in which is loaded an AV file containing the AV data read from the storage medium; and

an AV reproducing engine which reproduces the buffered AV file from the AV buffer (section 0045).

Response to Arguments

Applicant's arguments filed 03 December 2008 have been fully considered but they are not persuasive.

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In remark applicant argues that there is no reason for combining Kim with Tanaka since Kim teaches a buffer for storing the data from a DVD and Tanaka memory used with a computer for storing the data. In response, it is noted that the claims do not specify the data are read from a DVD and how the data are controlled to be stored in an updatable area of the buffer. Since the claims merely recite a buffer (memory) loaded with data and storing the data in an updateable markup area, it is obvious to one of using well know teaching of using an area of a memory as an updatable markup area taught by Tanaka to modify the buffer (memory) of Kim to have an updatable markup area for storing the AV data. Applicant argues that Kim as modified with Tanaka does not teach the buffer configuration information for storing AV data. In response, it is submitted that the combination of Kim and Tanaka teaches the configuration information for storing the AV data in a buffer and in a updatable markup area of the buffer since Kim and Tanaka teaches control information used for controlling the storing of the AV data and image data in a buffer or a markup area of a memory. The recited configuration information are mere information which are needed to use for controlling the storing data in a memory or an area of the memory. Further it is noted that Kim teaches reproducing the AV data from a storage medium in an interactive mode (Fig. 1, sections 0009-0013,0021,0042,0048-0050). Since the claims do not specify how the AV data are stored and readout in an interactive mode, the interactive mode taught by Kim meet the recited interactive mode.

Applicant further argues that Kim as combined with Tanaka do not teach internet service. In response the examiner disagrees. It is noted that Tanaka teaches using network and communication system for providing internet service of the data (section 0032). The combination of Kim and Tanaka would teach an interactive mode and providing internet service.

Allowable Subject Matter

3. Claims 3-6, 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 16-31 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621